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March 10, 2023

VIA ECF

Honorable Nicholas G. Garaufis
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Carlton Roman v. City of New York, et al.
22-cv-6681 (NGG)(CLP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants City of New York, William Pepey, John Loguercio, Gerard Fiorenza, Catharine Lomuscio, Richard Schaeffer, Robert Masters, and Francesco Catarisano, Patrick O'Brien, and Denis Byrne (collectively, the "defendants") in this action.

As Your Honor may recall, on March 1, 2023, counsel for the parties appeared for a pre-motion conference to discuss defendants' anticipated motion to dismiss. During that conference, Your Honor granted defendants such permission and scheduled May 26, 2023 as the deadline for defendants to file their initial moving papers. At that time, the deadline for Defendants O'Brien and Byrne to respond to the Amended Complaint was not yet due, and therefore, representation had not yet been resolved for those officers.¹ Since that time, however, this Office has resolved representation with Officers O'Brien and Byrne and now represents them. As such, and for the reasons set forth in defendants' pre-motion conference letter dated February 9, 2023, Defendants O'Brien and Byrne respectfully request permission to join in the upcoming motion to dismiss, which the Court is permitting defendants to file on or by May 26, 2023.

Defendants thank the Court for its consideration herein.

¹ Upon information and belief, defendants Byrne and O'Brien were served with process on or about February 17, 2023, and therefore, their deadline to respond to the complaint is today.

Respectfully submitted,

/s/ Seema Kassab

Seema Kassab

Assistant Corporation Counsel
Special Federal Litigation Division

cc: All Counsel (By E.C.F.)

Application granted.

Sq Ordered.

s/Nicholas G. Garaufis

Hon. Nicholas G. Garaufis

Date: 3/10/23